

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

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ERIK CANTU, JR. AND  
EMILY PROULX

*PLAINTIFFS*

VS.

JAMES BRENNAND AND  
THE CITY OF SAN ANTONIO

*DEFENDANTS*

CIVIL ACTION NO.

5:24-cv-00382-XR

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ADVISORY TO THE COURT  
CONCERNING STATUS OF THE STATE CRIMINAL CASE

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TO THE HONORABLE COURT:

NOW COMES ATTORNEY PATRICK BALLANTYNE, as a friend of the Court, and hereby provides the following advisory to the Court and the parties to this cause concerning the status of the state criminal case pending against Defendant James Brennand.

1. Mr. Brennand is presently charged by a three-count indictment with the Texas felony offenses of *Aggravated Assault by a Public Servant* and *Deadly Conduct* in a cause numbered 2024-CR-2701 and pending before the 437<sup>th</sup>

District Court for Bexar County, Texas. Those charges arise from the same factual circumstances giving rise to Plaintiffs' claims in this civil action.

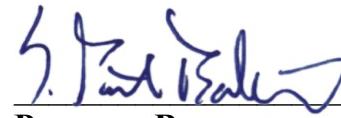
2. The undersigned attorney's law firm represents Mr. Brennand in defense of the pending state criminal charges. The firm does not represent Mr. Brennand in the instant civil action.
3. The state criminal charges were previously specially set for a jury trial to begin **November 8, 2024**. In the months and weeks leading up to trial, the Bexar County Criminal District Attorney's Office experienced significant shifts in employment and prosecutor assignments that resulted in a continuance and rescheduling of trial. First, the lead chief of the office's Civil Rights Division was replaced following repeated lapses in discovery and ethical disclosure obligations. (Ex. A – BCCDA's Press Release) The replacement chief prosecutor then resigned his employment with the office after three months in that position. (Ex. B – News Article) These circumstances resulted in the prosecution seeking a continuance of the scheduled trial date.

4. The trial court has entered a "Final Scheduling Order," with jury selection now scheduled to commence **April 11, 2025.** (Ex. C – Final Scheduling Order)

If the parties or the Court require additional information concerning the status of the state criminal proceeding, I can be reached through the phone number and email address below.

Respectfully submitted:

By:

  
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**CERTIFICATE OF SERVICE**

I hereby certify that the forgoing motion was served concurrently with the filing of this motion on all counsel for the parties who are registered to receive service in this case.



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PATRICK BALLANTYNE